

MIED (Rev.2/07) Prisoner Civil Rights Complaint

| | | |
|-------------|-------|------------------|
| Case Number | Judge | Magistrate Judge |
|-------------|-------|------------------|

Case: 2:19-cv-11799
 Judge: Cox, Sean F.
 MJ: Morris, Patricia T.
 Filed: 06-17-2019 At 10:50 AM
 PRIS DARWICH v UNITED STATES LAW LIBRARY OF CONGRESS, ET AL (dat)

PRISONER CIVIL RIGHTS COMPLAINT

This form is for use by state prisoners filing under 42 U.S.C. § 1983 and federal prisoners filing pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971).

| | | | | | | |
|---|---------------------|------------------------------|-----------|--|-----------|--|
| Name | Ali Hussien Darwich | | | Prisoner No. | 45049-039 | |
| Place of Confinement | | | | | | |
| USP Lewisburg | | | | | | |
| Street | P.O.Box 1000 | City | Lewisburg | State | Zip Code | |
| | | | | PA | 17837 | |
| Are there additional plaintiffs? | | <input type="checkbox"/> Yes | | <input checked="" type="checkbox"/> No | | |
| <i>If yes, any additional plaintiffs to this action should be listed on a separate 8½" x 11" sheet of paper and securely attached to the back of this complaint. You must provide names, prisoner numbers and addresses for all plaintiffs.</i> | | | | | | |

| | | | | | | |
|--|---|--|------------|--|------------------------|---|
| Name | United States Law Library of Congress, and Issam M. Saliba | | | Position | Law Library Specialist | |
| Street/P.O. Box | 101 Independence Ave Se | City | Washington | | State | Zip Code |
| | | | | DC. | 20540-4860 | |
| Are you suing this defendant in his/her: | | <input type="checkbox"/> Personal Capacity | | <input type="checkbox"/> Official Capacity | | <input checked="" type="checkbox"/> Both Capacities |
| Are you suing more than one defendant? | | <input checked="" type="checkbox"/> Yes | | <input type="checkbox"/> No | | |
| <i>If yes, any additional defendants to this action should be listed on a separate 8½" x 11" sheet of paper and securely attached to the back of this complaint. You must provide their names, positions, current addresses and the capacity (personal, official or both) in which you are suing them.</i> | | | | | | |

POOR QUALITY ORIGINAL

I. PREVIOUS LAWSUITS

Have you filed any other lawsuits in state or federal court relating to your imprisonment?

Yes No

If "Yes," complete the following section. If "No," proceed to Part II.

Please list all prior civil actions or appeals that you have filed in federal court while you have been incarcerated.

| | |
|---|--|
| Docket or Case Number: | 10-CV-10775 |
| Name of Court: | Eastern District of Michigan "detroit" |
| Parties (Caption or Name of Case): | United States of America |
| Disposition: | Close, Whit Pending Appeals |

| | |
|---|---------------------------------------|
| Docket or Case Number: | 10-Cv-14073 |
| Name of Court: | Eatern District of Michigan "Detroit" |
| Parties (Caption or Name of Case): | City of Dearborn Et.al., |
| Disposition: | Close |

| | |
|---|---|
| Docket or Case Number: | |
| Name of Court: | Eastern District of Michigan "Detroit" |
| Parties (Caption or Name of Case): | United States Department of Justice et al., |
| Disposition: | Close. |

Any additional civil actions should be listed on a separate sheet of 8½" x11" paper and securely attached to the back of this complaint.

II. STATEMENT OF FACTS

State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include the names of other people, dates and places involved in the incident. Do not give any legal arguments or cite any cases or statutes. If you intend to allege several related claims, number and set forth each claim on a separate 8½" x 11" sheet of paper and securely attach the papers to the back of this complaint.

On April 2012 The United States Attorney Ronald W. Waterstreet contact United States Law Library of Congress Specialist Issam M. Saliba to provide the Court and paties with expart of Evidence under Federal Rule of Criminal Procedure 26.1 At the time Mr. Issam M. Saliba Claim his a member of the Lebanese Bar and his Exparties determining Ali Houssien Darwich is Not Married to Fatima H. Toufaili By Lebanon Law . Because of Issam M. Saliba Expertes the Court Denied Darwich his married license.

On October 31 , 2017 The Lebanon Embassy of New York By Magad Ramadan and Ministry of Foreign Affairs , and the court of Lebanon Claim MR. Issam M. Saliba didn't appoint to speak on behalf the Country of Lebanon or in Ali Darwich Case because he lied to the Court by claiming he is bar member of lebanese Government's.

See Attachment.

III. RELIEF

State briefly and exactly what you want the Court to do for you.

1. I want the Court to grant the marraige lesence between me and my Wife Fatima H. Toufaili and correct the status .
2. I Want the Court to order Issam M. Saliba and The U.S.Law Library to paid damage to darwich and his family of 8 years of pain searching for the truth
4. Darwich been in the USP Prison far away for his Four Kids and his wife deppress and sick about Issam Saliba lies and epaster the court with false information.
4. Darwich request the Court to order Issam Saliba to paid Attorney's Fee to the Laywer 's working to discovered he is a lier , and damaged to darwich of been in the prison because the government's AUSA Waterstreet revoke Immunity Agrerment Because the marriage Darwich request the Defendant's to Paid 10 Years Imprisoment.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed (signed) on June 12, 2019. (date).



Signature of Plaintiff

INDEX OF EXHIBITS

| <u>Exhibit</u> | <u>Description of Evidence</u> | <u>Page</u> |
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| A. | Issam M. Saliba Opinion/Statement to AUSA Waterstreet under Rule 26.1 | 1. |
| B. | Private Proxy Undersigned by Fatima Toufaili and Ali Darwich by Lebanon General Consulate regarding the Marriage license on September 23, 2004. | 2. |
| C. | Head of Jaafarite Religious Judge in Beirut, Judge Sayyed Bashir Mortada review the case on October 30, 2017 case No: 2458-2017 at the First Court of Lebanon | 1. |
| D. | The Islamic Shariah Court grant the marriage conducted by the telephone by the judge Kasher mortaada | 1. |
| E. | Certificate of marriage between darwich and Toufaili filed on 2004. by the shariah Court and Lebanon Government's In Arabic | 1. |
| F. | Family Three of darwich and his wife fatima Toufaili and his Four kids filed by lebanon government's and Shaqriah Court in Arbaic. | 1. |
| G. | December 3, 2018 Mayor of Hortaala requesting the Ministry of Justice Foreign of Affairs to Due So before get out Controle between Two Famili Darwich And Saliba in the Country of Lebanon under Rule Eye By Eye. | 1. |

ISSAM SALIBA STATEMENT TO THE AUSA RONALD W. WATERSTREET.

If this Court is to consider Darwich , Absent his failure to Provide the Court with any of the necessary foreign law it is important to note, however , in allowing the united states to challenge his allegations , that Federal Rule of Criminal Procedure 26.1 frees the Court fromthe restraints of ordinary rules of evidence in determining foreign law . As Such the Court may rely upon other forms of sources of information such as experts, treatieses, etc. which may be presentd by the United States.

In anticipation of the potential of Darwich seeking to rely upon his "Telephone" Marriage" , the United States contact an expert in the filed of Lebanese Law . Issam M. Saliba , a member of the Lebanese Bar and Senior foreign law Specialist at the United States Law Libary of Congress was provided with the stories of Toufaili And Darwich , in the light most favorable to them-that they were "married" over the telephone in 2003 at an Iman's house in Ba;baack , Lebanon where Toufaili and her Father present and that Ali Darwich's Father and Sister were also present , all of which purportedly took place prior to Toufaili's trip to United states .

the Opinion of Issam M. Saliba that such a marriage was not vaild under Lebanese law. :

According to Issam Saliba , as much of the population of Muslim marriages in Lebanon fall under the jurisdiction of the Islamic Court (Sharia Court). In Order to have a vaild marriage in lebanon, the participants must obtain the aprovel and the recognition from the Sharia Court. Mr. Saliba indicated that normally an islamic in lebanon is Contracted before the competent Islamic Court or before a Special officer of the court (Mazun) who is specifically authorized to conduct marriages and has obligation to prepare and send marriage certificates to be registered in the record and in the national vital statistics registry. The " Telephone Marriage" , conducted by an Iman and apparently done without the express Approval of the Islamic Court , as Recalled by Toufaili , is Contrary to Lebanese Law. Mr. Saliba futher Stated that it is highly unlikely that and Iman would accept to conclude a marriage contract as alleged without being authorized recordation . Darwich has failed to provide a verifiable recorded marriage contract approved by the Islamic Court that Actually took place before Toufaili's Marriage to Sleiman. thus, even under lebense law , Darwich was not married to Toufaili.

See: United States V. Ali Darwich , Case No : 10-CT-20705-04
filed on April 23, 2012 at pg. 11, and 12. Docket Sheet # 452.

EXHIBITS A.

To, Consulat or J. Na

Ref. no. 2458-2017

General Consulate of Lebanon

Detroit

Private Proxy

I, the undersigned, Fatima Hussein Toufaily, a Lebanese residing currently in the USA, on the following address:

7419 Normile, Dearborn, Michigan 48126 USA PH (313) 999-2992,
enjoying the terms stated in the applicable laws, hereby declare
willingly:

I hereby delegate, in my personal capacity, and on my behalf, my father Hussein Ali Toufaily, a Lebanese, residing in Doures-Baalbeck, to perform for me in the Lebanese Republic, to appear and represent me before all the courts, of all tasks and instances, particularly the religious and civil courts, civil status courts, and perform and execute the transactions of my marriage contract to Ali Hussein Darwich, a Lebanese, his mother is Nazim residing in USA. My proxy has the right to register our marriage before the persona affairs departments and obtain familial and individual civil status extracts, marriage certificate, and sign on my behalf all the necessary documents and papers for this purpose before all the competent official departments in the Lebanese Republic and what's related to it a general proxy in this regards authorized for his opinion and action, delegate whom he desires with all what I delegated him to or some isolate whom he delegates and perform what my best interest requires religiously and legally in this regards in the Lebanese Republic. In witness whereof, it was issued in Detroit on 23.09.2004.

General Consulate of Lebanon
Detroit

Ref. no. 2458-2017
FOR TRANSLATION & CERTIFICATION

Private Proxy

I, the undersigned, Ali Hussein Darwich, a Lebanese, residing currently in the USA, on the following address:

7419 Normile, Dearborn, Michigan, 48126, USA PH (313) 999-2992,
enjoying the terms stated in the applicable laws, hereby declare
willingly:

I hereby delegate, in my personal capacity, and on my behalf, my father Hussein Ali Darwich, a Lebanese, residing in Taybe-Baalbeck, to perform for me in the Lebanese Republic, to appear and represent me before all the courts, of all tasks and instances, particularly the religious and civil courts, civil status courts, and perform and execute the transactions of my marriage contract to Fatima Hussein Toufaily, a Lebanese, his mother is Arafat residing in USA. My proxy has the right to register our marriage before the personal affairs departments and obtain familial and individual civil status extracts, marriage certificate, and sign on my behalf all the necessary documents and papers for this purpose before all the competent official departments in the Lebanese Republic and what's related to it, a general proxy in this regards, authorized for his opinion and action, delegate whom he desires with all what I delegated him to or some, isolate whom he delegates and perform in what my best interest requires religiously and legally in this regards in the Lebanese Republic. In witness whereof, it was issued in Detroit on 23.09.2004.

Exhibit B. 2

on admission of both parties, certified by the marriage contract and medical report, and the two proxies duly certified, attached to the file for a dowry: ten thousand American dollars and its delayed dowry ten thousand American dollars only, to be paid upon divorce and death. It was certified religiously, the marriage of Ali Hussein Darwich and Fatima Hussein Toufaily since 23.09.2003, a legal decision issued on 01.12.2004.

True copy issued on 30.10.2017

Jaafarite religious judge of Baalbeck, Sheikh Mohamad Yahfouji
(signature and seal)

Chief clerk, (signature and seal)
Head of Jaafarite religious judge in Beirut, judge Sayyed Bashir Mortada (signature and seal)

Legalization of the signature and seal of Jaafarite religious court of

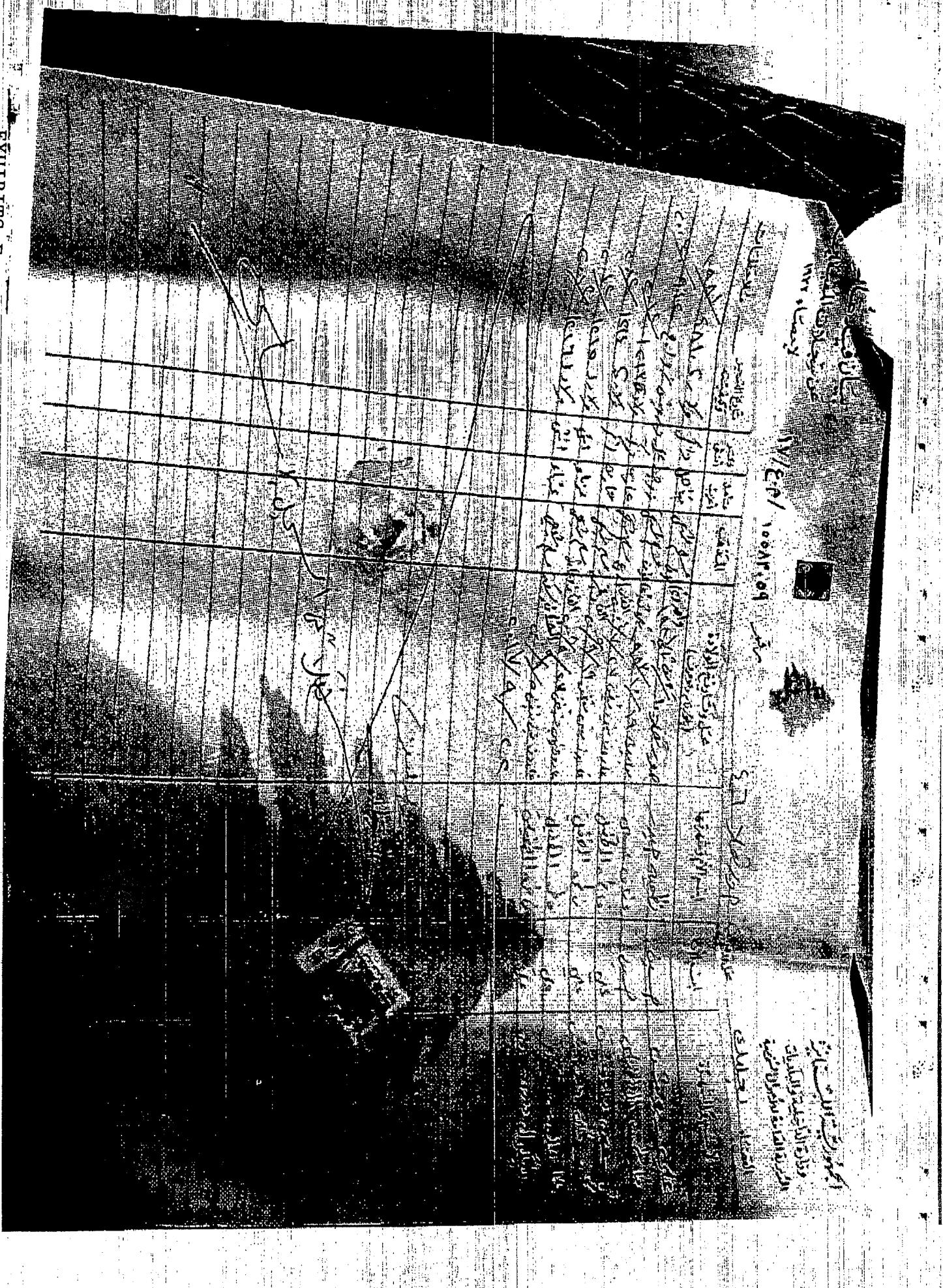
Baalbeck

True translation of the original Arabic text hereto attached: 30.10.2017

EXHIBITS C.

وَمَنْ يُعْلِمُ
أَعْلَمُ بِهِمْ

EXHIBITS F.



Samar KASSAS
Sworn translator
BAALBECK-LEBANON
Tel: 03/857969

Lebanese Republic
Ministry of Interior and Municipalities

Province: BAALBECK-HERMET
District: BAALBECK
THE MAYOR OF HORTAALA

To case manager of Plaintiff
Mr. D. Neagle or Mr. G Shuck
Case No. 19-cv-11799-SEC-PTM
Information for Lebanon
Government and family individual
Attorney of Ali Hussein Darwich
Federal number 45040-039
Serial No.: 341
Date: On 25 November, 2018

To whom it may concern

We the undersigned Nazin Ali DARWICH, mayor of HORTAALA do hereby attest that Mr. Ali Hussein DARWICH, born in 1981, register No. 46 HORTAALA, in BAALBECK, sentenced in jail at the United States of America.

After many conversations done by the family of the detainee Ali Hussein DARWICH with the Ministry of Foreign Affairs it has been noticed the Ministry of Foreign Affairs didn't appoint any person to deal with the case of the prisoner Ali Hussein DARWICH, to give any opinion about the said case and in particular Mr. Issam Michel SALIBA.

If Mr. Mr. Issam Michel SALIBA is appointed to be the representative in the said case he should present the legal papers from the Ministry of Justice to show his nomination legally.

In fact, the Ministry of Justice doesn't appoint any person in any case revision outside the Lebanese territory without receiving in prior a decision from the council of Ministers, moreover the nominate representative should be an attorney-at-law. Consequently, the Ministry of Justice doesn't issue any attestations of this kind. Therefore, in case this attestation is forged the penal code will punish its actor as stipulated by the laws in force.

For confirmation I kept the voice call of the minister when he answered the family about the true information in this regard.

This attestation has been issued upon the request of the family of detainee Ali Hussein DARWICH.

The mayor of HORTAALA district of BAALBECK.
Nazin Ali DARWICH
Seal, stamp and signature
Tel: 03/772294

Translation identical to the Arabic text enclosed

BAALBECK
On 03 December, 2018



EXHIBITS G.

upon admission of both parties, certified by the marriage contract and medical report and the two proxies duly certified, attached to the file for a dowry; ten thousand American dollars and its delayed dowry ten thousand American dollars only, to be paid upon divorce and death. It was certified religiously, the marriage of Ali Hussein Darwich and Fatima Hussain Toufaily since 23.09.2003, a legal decision issued on 01.12.2004.

True copy issued on 30.10.2017

Jaafrite religious judge of Baalbeck, Sheikh Mohammad Yahfoufi
(signature and seal)

Chief clerk, (signature and seal)
Head of Jaafrite religious judge in Beirut, judge Sayyed Bastir

Mortada (signature and seal)
Legalization of the signature and seal of Jaafrite religious court of
Baalbeck

True translation of the original Arabic text hereto attached 30.10.2017

Summary Complain Return of Service

Case No.

Hon.

A Copy of the Summary Complain has been Served in the Manner indicated below:

Name of Individual Served: Issam M. Saliba

Date of Service: _____

Method of Service

Personally served at this address: Issam M. Saliba

101 Independence Ave Se
Washington DC. 20540-4860.

Returned unexecuted (reason):

21 Days.

Service Fees: Unless the Summary was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of \$_____.

My fees are \$_____ for travel and \$_____ for services, for a total of \$_____.

Declaration of Server

I declare under the penalty of perjury that the information contained in this Return of Service is true and correct.

Name of Server: _____

Signature of Server: _____

Date: _____

Server's Address: _____

Summary Complain Return of Service

Case No.

Hon.

A Copy of the Summary Complain has been served in the manner indicated below:

Name of Individual Served: United States Lae Library of Congress official

Date of Service: _____

Method of Service

Personally served at this address:

Official Capacity Owner
101 Independence Ave Se
Washington DC. 20540-4860.

Returned unexecuted (reason):

21 Days

Service Fees:

Unless the Summary was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of \$_____.

My fees are \$_____ for travel and \$_____ for services, for a total of \$_____.

Declaration of Server

I declare under the penalty of perjury that the information contained in this Return of Service is true and correct.

Name of Server: _____

Signature of Server: _____

Date: _____

Server's Address: _____

Clerk of the Court
United States District Court
Eastern District of Michigan
231 West Lafayette Blvd.
Detroit Michigan 48226

Inmate Name: Ali Darwich
Register Number: 45049-039
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837

MAPS M

CIVIL COVER SHEET FOR PRISONER CASES

| | | |
|---|---|--------------------------------------|
| Case No. 19-11799 | Judge: Sean F. Cox | Magistrate Judge: Patricia T. Morris |
| Name of 1 st Listed Plaintiff/Petitioner: ALI HUSSEIN DARWICH | Name of 1 st Listed Defendant/Respondent: UNITED STATES LAW LIBRARY OF CONGRESS ET AL | |
| Inmate Number: 45049-039 | Additional Information: | |
| Plaintiff/Petitioner's Attorney and Address Information: | | |
| Correctional Facility: USP LEWISBURG P.O. BOX 1000 LEWISBERG, PA 17837 | | |

BASIS OF JURISDICTION

2 U.S. Government Defendant
 3 Federal Question

ORIGIN

1 Original Proceeding
 5 Transferred from Another District Court
 Other:

NATURE OF SUIT

530 Habeas Corpus
 540 Mandamus
 550 Civil Rights
 555 Prison Conditions

FEE STATUS

IFP *In Forma Pauperis*
 PD Paid

PURSUANT TO LOCAL RULE 83.11**1. Is this a case that has been previously dismissed?**

Yes No

> If yes, give the following information:

Court: _____

Case No: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes No

> If yes, give the following information:

Court: _____

Case No: _____

Judge: _____